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PATENT
574313-2338.1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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| Applicant(s) | : | ALLAN *et al.* |
| Filed | : | February 16, 2001 |
| Serial No. | : | 09/784,962 |
| For | : | PORCINE CIRCOVIRUS AND PARVOVIRUS |
| Examiner | : | Shanon A. Foley |
| Art Unit | : | 1648 |

745 Fifth Avenue
New York, NY 10151

**FACSIMILE**

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Thomas J. Kowalski, Reg. No. 32,147
Type or print name of person signing certification

Signature

November 4, 2004
Date of Signature

**TERMINAL DISCLAIMER**

Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450

Dear Sir:

This is in further response to the Office Action dated May 7, 2004; an Amendment is filed herewith.

I, Thomas J. Kowalski, declare that I am the attorney of record and that I am authorized to execute terminal disclaimers on behalf of Merial, The Queen's University of Belfast and the University of Saskatchewan, the assignees of the above-captioned application ("the present application") and U.S. Patent Nos. 6,517,843 ("the '843 patent") and 6,660,272 ("the '272 patent");



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That Merial has a place of business at17 rue Bourgelat 69002, Lyon, France; that the Queen's University of Belfast is located at University Road, Belfast BT7 1NN, Northern Ireland; that the University of Saskatchewan is located in Saskatoon, Saskatchewan, Canada, S7N 5C8;

That Merial, The Queen's University of Belfast and the University of Saskatchewan, are the assignees of the entire right, title and interest in, to and under the present application, U.S. Application Serial No. 09/784,962, as a divisional of U.S. Application Serial No. 09/347,594, filed July 1, 1999, which is now U.S. Patent No. 6,217,883, by virtue of the assignment from the inventors as set out at Reel 015315 and Frame 0637, where said assignment was recorded at the U.S. Patent and Trademark Office on October 29, 2004;

That Merial, The Queen's University of Belfast and the University of Saskatchewan, are the assignees of the entire right, title and interest in, to and under U.S. Application Serial No. 09/583,350, filed May 31, 2000, which is now U.S. Patent No. 6,517,843, by virtue of the assignment from the inventors as set out at Reel 015139 and Frame 0572, where said assignment was recorded at the U.S. Patent and Trademark Office on September 16, 2004;

That Merial, The Queen's University of Belfast and the University of Saskatchewan, are the assignees of the entire right, title and interest in, to and under U.S. Application Serial No. 09/884,514, filed June 19, 2001, which is now U.S. Patent No. 6,660,272, as a divisional of U.S. Application Serial No. 09/161,092, filed September 25, 1998, now U.S. Patent No. 6,391,314, by virtue of the assignment from the inventors as set out at Reel 9735 and Frame 0072, where said assignment was recorded at the U.S. Patent and Trademark Office on February 1, 1999;

That Merial, The Queen's University of Belfast and the University of Saskatchewan hereby disclaim the terminal part of any patent granted on the present application that would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,517,843 or U.S. Patent No. 6,660,272;

That Merial, The Queen's University of Belfast and the University of Saskatchewan hereby agree that any patent so granted on the present application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,517,843 or U.S. Patent No. 6,660,272, this agreement to run with any patent granted on the present application and to be binding upon the grantee, its successors or assigns;

That no terminal part of any patent granted on the present application is disclaimed prior to the full statutory term of 6,517,843 or U.S. Patent No. 6,660,272, in the event that any one of



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said patents expires earlier for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or is terminally disclaimed under 37 C.F.R. §1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its full statutory term, except for the separation of legal title stated above;

In accordance with 37 C.F.R. § 3.73(b), the undersigned attorney of record, empowered to sign this Statement on behalf of the assignees, states that Merial, The Queen's University of Belfast and the University of Saskatchewan are the assignees of the entire right, title and interest in the '843 and '272 patents and the present application by virtue of the assignments identified above.

And thus, that the undersigned has reviewed documents in the chain of title of the patents and patent application identified above and, to the best of the undersigned's knowledge and belief, title is in the assignees identified above.

Reconsideration and withdrawal of the double patenting rejections are respectfully requested and consideration, entry and recordation of this Terminal Disclaimer are also earnestly solicited, with any fee therefor or any overpayment in such fees, to be charged or credited to Deposit Account No. 50-0320.

It is also noted that this paper is being provided merely to expedite prosecution and is presented without admission, without prejudice, without surrender of subject matter, without any intention of creating any estoppel as to equivalents.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By: _____
Thomas J. Kowalski
Reg. No. 32,147
(212) 588-0800





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